

Dennis K. Ames, Esq., Cal. State Bar# 81460
E-mail: Dames@ljdfa.com
(Application for Pro Hac Vice pending)
Robert J. Iacopino, Esq., Cal. State Bar# 279754
E-mail: Riacopino@ljdfa.com
(Application for Pro Hac Vice pending)
**LA FOLLETTE, JOHNSON, DE HAAS,
FESLER & AMES**
2677 N. Main Street, Suite 901
Santa Ana, CA 92705
Telephone: (714) 558-7008
Facsimile: (714) 972-0379

Attorneys for Defendants
EUGEN D. WILLIAMS, M.D., LINDA LUI LUONG, P.A., and FULLERTON
ORTHOPAEDIC SURGERY MEDICAL GROUP, INC.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)

MDL No. 2419
Master Dkt. 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:)

Jeffries, et al. v. Ameridose, et al.)
Docket No. 1:14-cv-12789-RWZ)

**DEFENDANTS' RESPONSE TO PLAINTIFFS' MEMORANDUM RE THE COURTS'
ORDER TO SHOW CAUSE RE REMAND AND TRANSFER**

Pursuant to the Court's Corrected Order to Show Cause Concerning Remand and Transfer [Dkt. 2928], Defendants, Eugen D. Williams, M.D., Linda Lui Luong, P.A., and Fullerton Orthopaedic Surgery Medical Group, Inc., hereby respond in opposition to Plaintiffs' Memorandum. Defendants' assert that remand and transfer of this specific case, *Jeffries, et al. v. Ameridose, et al.* [1:14-cv-12789-RWZ], is appropriate and there are no efficiencies to be gained by maintaining the case in the MDL.

THIS MATTER IS CURRENTLY IN ARBITRATION

PURSUANT TO THIS COURT'S PRIOR ORDER

On April 29, 2015, pursuant to the stipulation of the parties, this Court ordered that this matter be stayed pending binding arbitration between the parties. See Stipulation and Order [Dkt. 1807], attached hereto as Exhibit A.

Because this matter is currently in arbitration, it is not directly subject to the day-to-day developments and orders in the MDL. Thus, there is no benefit to be gained by having this matter remain in the MDL.

Moreover, while this Court maintained jurisdiction of the case pending the binding arbitration, the Court is currently acting in more of a supervisory capacity. There is no reason why this supervisory function could not be performed equally well by the U.S. District Court for the Central District of California, which is the originating court for this action.

Furthermore, because this matter is in arbitration, Plaintiff's purported concerns regarding disparate rulings and settlement prospects are nonsensical. Regardless of whether this case remains stayed in the MDL or remains stayed in the Central District of California, all substantive rulings will be made by the neutral arbitrator, not by the court. Thus, there is no rational basis for Plaintiff's concerns.

Even if the case were not in arbitration, California would be the more appropriate venue. This case involves claims that California health care providers negligently treated a patient who was a resident of California and that the treatment occurred in California. The case is subject to California law. In particular, three of Plaintiffs' causes of action are specifically for alleged violation of California statutes.

CONCLUSION

Given all of the foregoing, there is simply no efficiency to be gained by keeping this case in the MDL, especially as this case is currently in arbitration.

Accordingly, Defendants respectfully request that the Court order that this case, *Jeffries, et al. v. Ameridose, et al.* [1:14-cv-12789-RWZ], be remanded to the United States District Court for the Central District of California.

Dated: January 15, 2015

LA FOLLETTE, JOHNSON, DEHAAS, FESLER & AMES

BY: 

DENNIS K. AMES, ESQ.

ROBERT J. IACOPINO, ESQ.

Attorneys for Defendants

EUGEN D. WILLIAMS, M.D.,

LINDA LUI LUONG, P.A., and

FULLERTON ORTHOPAEDIC

SURGERY MEDICAL GROUP, INC.

1 Dennis K. Ames, Esq., Cal. State Bar# 81460
 E-mail: DAmes@ljdfa.com
 2 Robert J. Iacopino, Esq., Cal. State Bar# 279754
 E-mail: RIacopino@ljdfa.com
 3 **LA FOLLETTE, JOHNSON, DE HAAS,**
FESLER & AMES
 4 2677 N. Main Street, Suite 901
 Santa Ana, CA 92705
 5 Telephone: (714) 558-7008
 Facsimile: (714) 972-0379
 6

Attorneys for Defendants
 7 EUGEN D. WILLIAMS, M.D., LINDA LUI LUONG, P.A., and FULLERTON
 ORTHOPAEDIC SURGERY MEDICAL GROUP, INC.
 8

9 **UNITED STATES DISTRICT COURT**

10 **FOR THE DISTRICT OF MASSACHUSETTS**

11 IN RE NEW ENGLAND
 12 COMPOUNDING PHARMACY, INC.
 13 PRODUCTS LIABILITY LITIGATION

MDL No. 2419
 Master Dkt. 1:13-md-02419-RWZ

14 **THIS DOCUMENT RELATES TO:**

15 Jeffries, et al. v. Ameridose, et al.
 16 Docket No.1:14-cv-12789-RWZ

17
 18 **STIPULATION TO STAY THE ACTION BETWEEN THE ARBITRATING PARTIES**
 19 **PENDING BINDING ARBITRATION; [PROPOSED] ORDER**
 20

21 WHEREAS on June 30, 2014, this matter was transferred to this court from the United
 22 States District Court, for the Central District of California,

23 AND WHEREAS 9 USC §§ 3 and 4 provide that matters are referable to arbitration
 24 under a written agreement for arbitration and also for a stay of the trial of the action as to the
 25 arbitrating parties until arbitration has been completed,

26 AND WHEREAS plaintiffs' decedent, John Jeffries, and defendants Fullerton
 27 Orthopaedic Surgery Medical Group, Inc. (aka Fullerton Ortho. & Associates), Eugen D.
 28 Williams, M.D., as a partner of Fullerton Orthopaedic Surgery Medical Group, Inc., and Linda

1 Lui Luong, P.A. as an employee of Fullerton Orthopaedic Surgery Medical Group, Inc., have
 2 previously contracted for binding arbitration of any dispute concerning medical malpractice, and
 3 the agreements provide that California law shall apply in the arbitration proceeding, and there
 4 being true and correct copies of the two Physician-Patient Arbitration Agreements
 5 ("Agreements") are attached as Exhibit "A" and "B,"

6 IT IS HEREBY STIPULATED by plaintiffs Clay C. Jeffries, individually and as
 7 successor in interest for John Edward Jeffries, Cynthia A. Cardey, Patrick J. Jeffries, Wynema K.
 8 Hyndman, John E. Jeffries, Jr., and Reed Jeffries, and defendants Eugen D. Williams, M.D.,
 9 Linda Lui Luong, P.A., and Fullerton Orthopaedic Surgery Medical Group, Inc., and their
 10 respective counsel herein, to stay further proceedings in this action between the arbitrating
 11 parties, until binding contractual arbitration of the claims and controversies alleged herein has
 12 been completed in accordance with the procedures for arbitration as set forth in the contractual
 13 agreements between plaintiffs' decedent, John Jeffries, and defendant Fullerton Orthopaedic
 14 Surgery Medical Group, Inc.

15 IT IS FURTHER STIPULATED that this document may be signed in as many specimens
 16 as there are signatories to the agreement, and the original of this stipulation will be complete
 17 when the separate specimens, collected together as a single document, reflect that all signatories
 18 have executed the stipulation. Copies of fax signatures will have the same force and effect as
 19 original signatures.

20 DATED: January 29, 2015

**LA FOLLETTE, JOHNSON, DE HAAS,
FESLER & AMES**

21
22 By 

23 DENNIS K. AMES, ESQ.

24 ROBERT J. IACOPINO, ESQ.

Attorneys for Defendants,

25 EUGEN D. WILLIAMS, M.D., LINDA LUI

26 LUONG, P.A., and FULLERTON

ORTHOPAEDIC SURGERY MEDICAL

27 GROUP, INC.

1 ORDER

2 GOOD CAUSE APPEARING THEREFOR, it is hereby ordered that the trial in the
3 above-entitled action between plaintiffs Clay C. Jeffries, individually and as successor in interest
4 for John Edward Jeffries, Cynthia A. Cardey, Patrick J. Jeffries, Wynema K. Hyndman, John E.
5 Jeffries, Jr., and Reed Jeffries, and defendants Eugen D. Williams, M.D., Linda Lui Luong, P.A.,
6 and Fullerton Orthopaedic Surgery Medical Group, Inc., is stayed between the arbitrating
7 parties, pending binding arbitration in accordance with the Agreements between plaintiffs'
8 decedent, John Jeffries, and defendants Fullerton Orthopaedic Surgery Medical Group, Inc.

9
10 DATED: 4/29/15

11 
12 _____
13 HONORABLE RYA W. ZOBEL,
14 UNITED STATES DISTRICT JUDGE
15
16
17
18
19
20
21
22
23
24
25
26
27
28


CERTIFICATE OF SERVICE

I, the undersigned, am employed in the County of Orange, State of California. I am over the age of eighteen years and not a party to the within action. I am employed with the law offices of La Follette, Johnson, De Haas, Fesler & Ames, 2677 N. Main Street, Suite 901, Santa Ana, California 92705.

On the below date, I electronically served a true and correct copy of the document entitled **DEFENDANTS' RESPONSE TO PLAINTIFFS' MEMORANDUM RE THE COURTS' ORDER TO SHOW CAUSE RE REMAND AND TRANSFER** on all parties in MDL No. 2419 via CM/ECF.

I declare that I am employed in the office of an attorney admitted to practice before this Court, at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 21, 2016, at Santa Ana, California.



MONICA SALT